

JUL 29 2008

CV 91 Criminal Complaint

# United States District Court

RICHARD W. WIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
CALIFORNIA

NORTHERN

DISTRICT OF

UNITED STATES OF AMERICA  
V.

CRIMINAL COMPLAINT

LEONARD DEW

Case Number: 41-08-70488

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about July 24, 2008 in Alameda County, in the Northern District of California defendant(s) did.

(Track Statutory Language of Offense)

devised and intended to devise a scheme to defraud and obtain money by means of false and fraudulent representations, and for the purpose of executing the scheme and attempting to do so, placed in any post office and authorized depository for mail, a package to be delivered by the postal service and any private or commercial interstate carrier.

in violation of Title 18 United States Code, Section(s) 1341

PENALTIES: 20 years imprisonment, \$250,000 fine, \$100 special assessment, 3 years supervised release

\* If the violation affects a financial institution 30 years imprisonment, \$1 million fine, \$100 special assesment, and 5 years supervised release.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:  
SEE ATTACHED AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To Maureen C. Bessette  
From: ALSA

Name/Signature of Complainant

Sworn to before me and subscribed in my presence.

7-30-08  
Date

at San Francisco, California  
City and State

MARIA-ELENA JAMES

U.S. Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

**AFFIDAVIT**

I, Thomas Roche, being duly sworn, do hereby state:

1. I am a Special Agent of the United States Immigration and Customs Enforcement ("ICE"), Office of the Special Agent in Charge, San Francisco, California and have been so employed since September 2002. Prior to becoming a Special Agent with ICE, I was employed as a Special Agent with the United States Air Force Office of Special Investigations from April 1998 through June 2002. From July 2002 to September 2002 I was also employed by Aegis Mantech Research Corporation as a Computer Forensics and Intrusion Analyst.

2. I have participated in many financial and computer crime related investigations either as the case agent or in a supporting role. I have debriefed defendants, informants and witnesses who had personal knowledge regarding individuals and organizations committing financial and computer related crimes. Additionally, I have participated in many aspects of narcotics, financial and computer related investigations, including, but not limited to, undercover operations, conducting physical and electronic surveillance and arrests. I have conducted and been involved in numerous investigations regarding the laundering of monetary instruments, bulk cash smuggling into or out of the United States, structuring transactions to evade reporting requirements, frauds, dealing in counterfeit obligations and securities, fictitious obligations, counterfeit money orders, human trafficking, visa fraud, extortion, computer related crimes and narcotics trafficking, as well as conspiracies associated with these violations.

3. Based upon the facts described below, I believe that there is probable cause to believe that Leonard Dew ("DEW") engaged in Mail Fraud in violation of 18 U.S.C. § 1341, by receiving counterfeit checks from Nigeria, mailed to his address in Oakland, California. The statements contained in this affidavit are based on my own investigation, my training and experience as a law enforcement agent, as well as information provided to me by and or through other law enforcement agents, investigators and individuals with knowledge of this matter, during the course of my investigation, and through my review of documents. This affidavit summarizes such information in order to show that there is probable cause in support of a criminal complain; therefore it does not contain every fact, piece of information or piece of evidence concerning this alleged violaton.

**Facts Supporting Probable Cause**

4. **Nigerian Fraud Scheme Involving.** In my position, I have learned of a type of Nigerian fraud scheme which involves the mailing of fictitious checks from Nigeria to the United States, where they are cashed by individuals who then mail a portion of the proceeds back to Nigeria. I have learned about this fraud through interviews of individuals who have participated in this fraud and through my firsthand experience in dealing with Nigerians who have perpetrated this fraud.

5. This fraud is initiated by Nigerian individuals ("Nigerian co-conspirator") sending "spam" e-mail messages via computer to large numbers of Internet e-mail users. The Nigerian co-conspirator purchases e-mail lists from computer hackers and/or businesses on the Internet that sell e-mail addresses for marketing. The Nigerian co-conspirator typically title the spam e-mail messages, "Part-time Work from home" and request interested individuals to reply to the message. The Nigerian co-conspirator then advises the interested individuals that they will be paid a commission for cashing checks. In this particular Nigerian fraud scheme, the Nigerian co-conspirators need someone in the United States ("U.S. co-conspirator") to receive Federal Express parcels containing hundreds of counterfeit checks (in this case DEW). The Nigerian co-conspirator then e-mails the U.S. co-conspirator the Federal Express tracking numbers for inbound parcels. When the parcels are received, the U.S. co-conspirator inventories the contents and e-mails the number of checks to the Nigerian co-conspirator. The Nigerian co-conspirator then e-mails the U.S. co-conspirator a list of names, addresses and the number of checks to mail to each individual. The Nigerian co-conspirator also e-mails the U.S. co-conspirator an on-line United Parcel Service (UPS) username and password. The Nigerian co-conspirator then creates UPS mailing labels for the names and addresses provided in previous e-mail messages and notifies the U.S. co-conspirator via e-mail to print the labels and mail the checks. The U.S. co-conspirator then sends the Nigerian co-conspirator an e-mail containing the UPS tracking numbers for the checks they mailed out. The U.S. co-conspirator is then paid approximately \$1,000.00 to \$1,500.00 per month as compensation by the Nigerian co-conspirator.

6. On July 24, 2008, the U.S. Customs and Border Protection (CBP) in Newark, New Jersey conducted a border search of Federal Express parcel Airway Bill Number 973118598765. The parcel was shipped from Nigeria and was addressed to Leonard DEW at 3316 Peralta Street, Oakland, California, 94608. A CBP Officer examined the parcel and found an envelope containing 122 counterfeit M & T Bank checks, totaling \$437,150.00 and two counterfeit Colonial Bank checks, totaling \$7,700.00. CBP seized the counterfeit checks and forwarded them to the my office for a controlled delivery. I have determined that both M & T Bank and Colonial Bank are financial institutions insured by the Federal Deposit Insurance Corporation.

7. On July 24, 2008, I queried the CBP Automated Targeting System database for importation records related to Leonard DEW at 3316 Peralta Street, Oakland, California 94608. I learned in addition to the package discussed above, on June 10, 2008, Leonard DEW at 3316 Peralta Street, Oakland, California 94608 received Federal Express parcel, Airway Bill Number 863233009825, manifested as "documents," from Prof. Georgy OLUMUSHO at Kwara State Poly, Ilorin, Nigeria 1111.

8. On July 24, 2008, at approximately 3:00 p.m., I observed DEW and an unknown black male adult exit 3316 Peralta Street, Oakland, California 94608.

9. I reviewed DEW's criminal history and learned DEW has the following convictions in the State of California:

- November 8, 2002 for violating California Penal Code 530.5(A) (obtaining credit by using other's identification), sentenced to two years prison and restitution;
- June 3, 2002 for violating California Penal Code 470(A) (forgery), sentenced to 16 months prison and restitution;
- January 23, 2001 for violating California Penal Code 530.5 (impersonating to get money/property), sentenced to five years probation and 74 days in jail;
- April 27, 1999 for violating California Penal Code 496(A) (receiving known stolen property) and California Penal Code 476A(A) (insufficient funds), sentenced to 32 months in prison and restitution;
- August 22, 1997 for violating California Penal Code 470A (alter/forged/falsify driver's license or identification) and California Penal Code 470 (forgery), sentenced to three years probation, 90 days in jail and a fine.

1 10. On July 29, 2008, I executed a search warrant signed by the Honorable Maria-Elena James,  
2 Magistrate Judge at DEW's residence at 3316 Peralta Street, Oakland, California. At DEW's  
3 residence agents found Western Union receipts indicating money transfers from DEW to individuals  
4 in Nigeria; UPS shipping documents indicating that DEW had shipped checks to other individuals  
5 in the United States; printed out lists of names and addresses of individuals to mail checks to in the  
6 United States; and blank checks stacked in DEW's printer. DEW stated that he would be interested  
7 in a plea agreement. Based on all of the facts and circumstances described in this affidavit, along  
8 with my training, experience, and consultations with others, I believe that there is probable cause to  
9 believe that DEW violated 18 U.S.C. § 1341 (Mail Fraud) by engaging in a scheme to accept  
10 counterfeit checks mailed from Nigeria to Oakland, California, and then to negotiate those checks  
11 at financial institutions in the United States.

12  
13 I declare under the penalty of perjury that the foregoing is true and correct to the best of my  
14 knowledge and belief.

15   
16 Thomas Roche  
17 Special Agent  
U.S. Immigration and Customs Enforcement

18 Sworn and subscribed to before me  
19 This 30 day of July 2008, at San Francisco, California

20   
21 Honorable Maria Elena James  
22 United States Magistrate Judge